

SENATE BILL 3779

By Southerland

AN ACT to amend Chapter 563 of the Acts of 1903; as amended by Chapter 647 of the Private Acts of 1911, Chapter 231 of the Private Acts of 1919, Chapter 397 of the Private Acts of 1919, Chapter 787 of the Private Acts of 1925, Chapter 764 of the Private Acts of 1927, Chapter 154 of the Private Acts of 1947, Chapter 248 of the Private Acts of 1953, Chapter 181 of the Private Acts of 1996, and any other acts amendatory thereto, relative to the Town of Greeneville, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 4 of Chapter 563 of the Acts of 1903, as amended by any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

Section 4. Be it further enacted, That the duties of Mayor are to wit: It shall be the duty of the Mayor to preside at all meetings of the board of mayor and aldermen, to make such suggestions and give such instructions with reference to the action of such board as in his judgment will be most conducive to the interests of the town. He shall by written communication, lay before the board any information needed, and recommend such measures as he may deem expedient. He may call special meetings of the board, and when called he shall state the reason for convening them by message, and the action of the board shall be limited to said matter and that only. He shall make appointments to boards and commissions as authorized by law. He shall have the authority to countersign all checks and drafts drawn upon the treasury by the treasurer and shall sign all contracts which require his signature by law. He shall have the veto power over any action of the board, giving his reasons therefore in writing, but the board may, by a three-fifths (3/5) affirmative vote of the entire board, pass the same over his veto; or if he fails to return the same on or before the next regular meeting of the board,

he shall be deemed to have approved the same, and the same shall become a law without further action of the board, and every law, ordinance, resolution or vote, except on question of adjournment, shall require the approval of the Mayor before it shall have effect, except as above provided.

SECTION 2. Chapter 563 of the Acts of 1903, as amended by any other acts amendatory thereto, is amended by inserting the following language as a new Section 5, by designating the current Section 5 as Section 6 and by renumbering subsequent sections accordingly:

Section 5. Be it further enacted, That the board of mayor and aldermen shall appoint and fix the salary of a city administrator, who shall serve at their will and pleasure. The city administrator shall be appointed by virtue of experience and/or educational qualifications.

In the temporary absence or disability of the city administrator, the city administrator shall appoint another city employee who shall serve as acting city administrator. If and when the city administrator's absence exceeds thirty (30) consecutive days, the board of mayor and aldermen shall have the right to appoint another department head or another city employee as the acting city administrator.

The city administrator shall be the chief administrative officer of the town. The city administrator shall be responsible to the board of mayor and aldermen for the administration of all town affairs placed in his charge by or under this charter. The city administrator shall have the following duties:

- (1) To administer the business of the town and execute all contracts except as otherwise provided by this charter or by law;
- (2) To make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the town;
- (3) To appoint and, when deemed necessary for the good of the service, discipline, suspend or remove all city employees and appointive officers provided for by or under this charter, subject to the provisions of Chapter 179 of the

Private Acts of 1953, as amended, "Civil Service", and in accordance with the personnel rules adopted by the board of mayor and aldermen and not in conflict with this charter;

(4) To direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law;

(5) To attend all board of mayor and aldermen meetings and have the right to take part in discussion, but may not vote;

(6) To see that all laws, provisions of this charter and acts of the board of mayor and aldermen, subject to enforcement by the city administrator or by officers subject to his direction and supervision, are faithfully executed;

(7) To prepare and submit the annual budget and an annual capital budget update to the board of mayor and aldermen at the appropriate time;

(8) To submit to the board of mayor and aldermen and make available to the public a complete report on the finances and administrative activities of the town as of the end of each month and at the end of the fiscal year;

(9) To make such other reports as the board of mayor and aldermen may require concerning the operations of city departments, offices and agencies subject to the city administrator's direction and supervision; and

(10) To keep the board of mayor and aldermen fully advised as to the financial condition and future needs of the town and make such recommendations to the board of mayor and aldermen concerning the affairs of the town as he deems desirable.

The board of mayor and aldermen and its members shall deal with the administrative services of the town only through the city administrator, except for the purpose of inquiry, and neither the board of mayor and aldermen nor any member thereof shall give orders or instructions to any subordinates of the city administrator. The city administrator shall take instructions from the board of mayor and aldermen when they are sitting in a duly convened meeting of the board of mayor and aldermen.

The city administrator shall not be removed from office, other than for misconduct in office, during or within a period of thirty (30) days following the beginning of a new term of office next succeeding any general municipal election held in the town, at which election a new member of the board of mayor and aldermen is elected, or when a new member is appointed. The purpose of this provision is to allow any newly elected or appointed member of the board of mayor and aldermen to observe the actions and ability of the city administrator in the performance of the powers and duties of his office. After the expiration of the thirty (30) day period aforementioned, the city administrator may be removed by a majority vote of the board of mayor and aldermen.

SECTION 3. Section 5 of Chapter 563 of the Acts of 1903, as amended by Chapter 647 of the Private Acts of 1911, Chapter 231 of the Private Acts of 1919, Chapter 397 of the Private Acts of 1919, Chapter 154 of the Private Acts of 1947, Chapter 181 of the Private Acts of 1996, is amended by deleting subdivision (24) in its entirety, and by renumbering subsequent subdivisions accordingly. Section 5 is further amended by renumbering Section 5 as Section 6.

SECTION 4. Section 6 of Chapter 563 of the Acts of 1903, as amended by Chapter 787 of the Private Acts of 1925, Chapter 764 of the Private Acts of 1927, Chapter 154 of the Private Acts of 1947, Chapter 248 of the Private Acts of 1953, and any other acts amendatory thereto, is deleted in its entirety and replaced with the following language to be hereafter designated in this charter as Section 7:

Section 7. Be it further enacted, That the board of mayor and aldermen of said Town shall appoint a City Judge.

Be it further enacted, That the corporate officers charged with the execution of process, civil or criminal, shall have power within said Municipality to execute State warrants and other process, as Constables have under the laws of the State.

Be it further enacted, That the board of mayor and aldermen shall have prepared and published a digest of all the ordinances and resolutions of a public nature, once in every three (3) years, and publish as passed all ordinances, and also upon direction of three-fifths (3/5) of the board of mayor and alderman, messages, reports, and statements.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) affirmative vote of the Board of Mayor and Aldermen of the Town of Greeneville, Tennessee within thirty (30) days of the date this act takes effect as provided in Article III, Section 8 of the Constitution of the state of Tennessee. The approval or non-approval of the act by the Board of Mayor and Alderman shall be certified by the Mayor of the Town of Greeneville to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.